

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION, STATE OF NEW	:	
YORK, STATE OF CALIFORNIA, STATE OF	:	
OHIO, COMMONWEALTH OF PENNSYLVANIA,	:	20cv706 (DLC)
STATE OF ILLINOIS, STATE OF NORTH	:	
CAROLINA, and COMMONWEALTH OF	:	ORDER
VIRGINIA,	:	
	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
VYERA PHARMACEUTICALS, LLC, AND	:	
PHOENIXUS AG, MARTIN SHKRELI,	:	
individually, as an owner and former	:	
director of Phoenixus AG and a former	:	
executive of Vyera Pharmaceuticals,	:	
LLC, and KEVIN MULLEADY, individually,	:	
as an owner and former director of	:	
Phoenixus AG and a former executive of	:	
Vyera Pharmaceuticals, LLC,	:	
	:	
Defendants.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

Having reviewed the parties' letters of July 31, August 3, and August 4, 2020, in connection with their discovery dispute, it is hereby

ORDERED that the defendants are required to modify their proposed Letter Rogatory to Seek Foreign Assistance in Japan and Letter of Request pursuant to the Hague Evidence Convention in Switzerland, attached as Exhibits C and D respectively to the defendants' July 31 letter, Docket No. 207, (together, the

"Japanese and Swiss Requests"), to include plaintiffs' cross-examination questions for the identified witnesses, attached as an Appendix to plaintiffs' August 3 letter, Docket No. 211. Plaintiffs' cross-examination questions are narrowly tailored to defendants' questions. Including the cross-examination questions in the defendants' Japanese and Swiss Requests complies with the evidentiary requirement that cross-examination occur at the same time as the direct examination. The defendants shall submit the modified versions of the Japanese and Swiss Requests to this Court by **August 14, 2020**.


IT IS FURTHER ORDERED that the defendants' request for issuance of their Letters of Request to the two Indian courts is granted.

IT IS FURTHER ORDERED that the defendants' request to file in redacted form Exhibit A and Exhibit D to Docket No. 207 is granted. The defendants are reminded, however, that any future filing must highlight for the Court any proposed redactions in the version that is filed with the Court under seal. In the future, the defendants also shall specify which Exhibits they seek to file in redacted form.

IT IS FURTHER ORDERED that the plaintiffs' request to file

Docket No. 211 in redacted form, and the Appendix to Docket No. 211 under seal, is granted.

Dated: New York, New York  
August 6, 2020

  
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DENISE COTE  
United States District Judge